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 COUNTY OF LOS ANGELES, *et al.*

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ORLANDO ROUCHON,
 Plaintiff,
 v.
 COUNTY OF LOS ANGELES, *et al.*,
 Defendants.

Case No. 2:18-CV-10029-VAP-MAA
 Hon. Virginia A. Phillips (Dist. Judge)
 Hon. Maria A. Audero (Mag. Judge)

**DEFENDANTS' ANSWER TO
 PLAINTIFFS' FIRST AMENDED
 COMPLAINT (ECF No. 14)**

Complaint Filed: November 30, 2018
 FAC Files: February 21, 2019

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Defendants County of Los Angeles (the "County"), Gabriela Todmia, and Kimberly Allen ("Defendants," collectively) answer the First Amended Complaint (ECF No. 14) filed by Plaintiffs Orlando Rouchon, Wytasha Justice, and J.R. and asserts as follows.

1. Answering ¶ 1, Defendants admit the allegations.
2. Answering ¶ 2, Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations.
3. Answering ¶ 3, Defendants admit the allegations.
4. Answering ¶ 4, Defendants admit the allegations.
5. Answering ¶ 5, Defendants admit that an FAC was filed that purports to substitute Defendant Allen for one of the previously anonymous DOE defendants.

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Defendants lack sufficient information or knowledge to form a belief about the truth of the remaining allegations in ¶ 5 at the present time.

6. Answering ¶ 6, Defendants admit that Defendants have named anonymous DOE defendants, numbered 2 through 50. Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations.

7. Answering ¶ 7, Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations.

8. Answering ¶ 8, Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegation that “each and every Defendant was the agent and/or employee of their co-defendants.” To the extent that the allegations that all Defendants were acting under color of authority implies Defendants were acting under color of policies promulgated by the County of Los Angeles or its Department of Children and Family Services (DCFS), Defendants deny such allegations. Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations in ¶ 8.

COMMON ALLEGATIONS¹

9. Answering ¶ 9, Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations.

10. Answering ¶ 10, Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations.

11. Answering ¶ 11, Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations.

12. Answering ¶ 12, Defendants admit that Defendant Todmia was a social worker at the time, but lack sufficient information or knowledge to form a belief as

¹ The headings used within this answer, until the prayer, correspond to those used in Plaintiffs’ FAC and are employed for ease of reading. These headings do not constitute substantive admissions or denials.

1 to whether she had only been a social worker for “one year or less.” Defendants lack
2 sufficient knowledge or information to form a belief as to the truth of the remaining
3 allegations.

4 13. Answering ¶ 13, Defendants admit that Defendant Todmia spoke with
5 Plaintiff Wytasha, but lack sufficient information or knowledge at the present time
6 to form a belief as to whether the interview was necessarily after the interview with
7 Plaintiff J.R. Defendants lack sufficient knowledge or information to form a belief
8 as to the truth of the remaining allegations in this paragraph.

9 14. Answering ¶ 14, Defendants lack sufficient knowledge or information
10 to form a belief as to the truth of the allegations.

11 15. Answering ¶ 15, Defendants lack sufficient knowledge or information
12 to form a belief as to the truth of the allegations.

13 16. Answering ¶ 16, Defendants lack sufficient knowledge or information
14 to form a belief as to the truth of the allegations.

15 17. Answering ¶ 17, Defendants lack sufficient knowledge or information
16 to form a belief as to the truth of the allegations.

17 18. Answering ¶ 18, Defendants lack sufficient knowledge or information
18 to form a belief as to the truth of the allegations.

19 19. Answering ¶ 19, Defendants lack sufficient knowledge or information
20 to form a belief as to the truth of the allegations.

21 20. Answering ¶ 20, Defendants lack sufficient knowledge or information
22 to form a belief as to the truth of the allegations.

23 21. Answering ¶ 21, Defendants lack sufficient knowledge or information
24 to form a belief as to the truth of the allegations.

25 22. Answering ¶ 22, Defendants lack sufficient knowledge or information
26 to form a belief as to the truth of the allegations.

27 23. Answering ¶ 23, Defendants lack sufficient knowledge or information
28 to form a belief as to the truth of the allegations.

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24. Answering ¶ 24, Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations.

25. Answering ¶ 25, Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations.

26. Answering ¶ 26, Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations.

27. Answering ¶ 27, Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations.

28. Answering ¶ 28, Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations.

29. Answering ¶ 29, Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations.

30. Answering ¶ 30, Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations.

FIRST CLAIM FOR RELIEF

VIOLATION OF CIVIL RIGHTS (42 USC §1983) (FOURTH AMENDMENT FOR UNLAWFUL DETENTION, QUESTIONING AND INTERVIEW AT SCHOOL) BY PLAINTIFF J.R. AGAINST DEFENDANT TODMIA and DOES 2 through 50

31. Answering ¶ 31, Defendant Todmia re-alleges, adopts and incorporates as if set forth at length all paragraphs hereinabove.

32. Answering ¶ 32, to the extent that the allegations are conclusions of law, Defendant Todmia lacks sufficient information or knowledge to form a belief as to the truth of such allegations. Defendant Todmia denies the remaining allegations.

33. Answering ¶ 33, to the extent that the allegations are conclusions of law, Defendant Todmia lacks sufficient information or knowledge to form a belief as to the truth of such allegations. Defendant Todmia denies the remaining

1 allegations.

2 34. Answering ¶ 34, to the extent that the allegations are conclusions of
3 law, Defendant Todmia lacks sufficient information or knowledge to form a belief
4 as to the truth of such allegations. Defendant Todmia denies the remaining
5 allegations.

6 35. Answering ¶ 35, to the extent that the allegations are conclusions of
7 law, Defendant Todmia lacks sufficient information or knowledge to form a belief
8 as to the truth of such allegations. Defendant Todmia denies the remaining
9 allegations.

10 36. Answering ¶ 36, to the extent that the allegations are conclusions of
11 law, Defendant Todmia lacks sufficient information or knowledge to form a belief
12 as to the truth of such allegations. Defendant Todmia denies the remaining
13 allegations.

14 **SECOND CLAIM FOR RELIEF**

15 **VIOLATION OF CIVIL RIGHTS (42 USC §1983) (FOURTEENTH**
16 **AMENDMENT AND FIRST AMENDMENT AS TO UNLAWFUL**
17 **DETENTION, QUESTIONING AND INTERVIEW AT SCHOOL) BY ALL**
18 **PLAINTIFFS AGAINST DEFENDANTS TODMIA and DOES 2-50**

19 37. Answering ¶ 37, Defendant Todmia re-alleges, adopts and incorporates
20 as if set forth at length all paragraphs hereinabove.

21 38. Answering ¶ 38, to the extent that the allegations are conclusions of
22 law, Defendant Todmia lacks sufficient information or knowledge to form a belief
23 as to the truth of such allegations. Defendant Todmia denies the remaining
24 allegations.

25 39. Answering ¶ 39, to the extent that the allegations are conclusions of
26 law, Defendant Todmia lacks sufficient information or knowledge to form a belief
27 as to the truth of such allegations. Defendant Todmia denies the remaining
28 allegations.

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40. Answering ¶ 40, to the extent that the allegations are conclusions of law, Defendant Todmia lacks sufficient information or knowledge to form a belief as to the truth of such allegations. Defendant Todmia denies the remaining allegations.

41. Answering ¶ 41, to the extent that the allegations are conclusions of law, Defendant Todmia lacks sufficient information or knowledge to form a belief as to the truth of such allegations. Defendant Todmia denies the remaining allegations.

42. Answering ¶ 42, to the extent that the allegations are conclusions of law, Defendant Todmia lacks sufficient information or knowledge to form a belief as to the truth of such allegations. Defendant Todmia denies the remaining allegations.

43. Answering ¶ 43, to the extent that the allegations are conclusions of law, Defendant Todmia lacks sufficient information or knowledge to form a belief as to the truth of such allegations. Defendant Todmia denies the remaining allegations.

THIRD CLAIM FOR RELIEF
VIOLATION OF CIVIL RIGHTS (42 USC §1983) (FOURTH AMENDMENT
FOR UNLAWFUL DETENTION, QUESTIONING AND FORENSIC
INTERVIEW) BY PLAINTIFF J.R. AGAINST DEFENDANT ALLEN and
DOES 2 through 50

44. Answering ¶ 44, Defendant Allen re-alleges, adopts and incorporates as if set forth at length all paragraphs hereinabove.

45. Answering ¶ 45, to the extent that the allegations are conclusions of law, Defendant Allen lacks sufficient information or knowledge to form a belief as to the truth of such allegations. Defendant Allen denies the remaining allegations.

46. Answering ¶ 46, to the extent that the allegations are conclusions of law, Defendant Allen lacks sufficient information or knowledge to form a belief as

1 to the truth of such allegations. Defendant Allen denies the remaining allegations.

2 47. Answering ¶ 47, to the extent that the allegations are conclusions of
3 law, Defendant Allen lacks sufficient information or knowledge to form a belief as
4 to the truth of such allegations. Defendant Allen denies the remaining allegations.

5 48. Answering ¶ 48, to the extent that the allegations are conclusions of
6 law, Defendant Allen lacks sufficient information or knowledge to form a belief as
7 to the truth of such allegations. Defendant Allen denies the remaining allegations.

8 49. Answering ¶ 49, to the extent that the allegations are conclusions of
9 law, Defendant Allen lacks sufficient information or knowledge to form a belief as
10 to the truth of such allegations. Defendant Allen denies the remaining allegations.

11 **FOURTH CLAIM FOR RELIEF**

12 **VIOLATION OF CIVIL RIGHTS (42 USC §1983) (FOURTEENTH** 13 **AMENDMENT AND FIRST AMENDMENT AS TO UNLAWFUL** 14 **DETENTION, QUESTIONING AND FORENSIC INTERVIEW) BY ALL** 15 **PLAINTIFFS AGAINST DEFENDANTS ALLEN and DOES 2 through 50**

16 50. Answering ¶ 50, Defendant Allen re-alleges, adopts and incorporates as
17 if set forth at length all paragraphs hereinabove.

18 51. Answering ¶ 51, to the extent that the allegations are conclusions of
19 law, Defendant Allen lacks sufficient information or knowledge to form a belief as
20 to the truth of such allegations. Defendant Allen denies the remaining allegations.

21 52. Answering ¶ 52, to the extent that the allegations are conclusions of
22 law, Defendant Allen lacks sufficient information or knowledge to form a belief as
23 to the truth of such allegations. Defendant Allen denies the remaining allegations.

24 53. Answering ¶ 53, to the extent that the allegations are conclusions of
25 law, Defendant Allen lacks sufficient information or knowledge to form a belief as
26 to the truth of such allegations. Defendant Allen denies the remaining allegations.

27 54. Answering ¶ 54, to the extent that the allegations are conclusions of
28 law, Defendant Allen lacks sufficient information or knowledge to form a belief as

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1 to the truth of such allegations. Defendant Allen denies the remaining allegations.

2 55. Answering ¶ 55, to the extent that the allegations are conclusions of
3 law, Defendant Allen lacks sufficient information or knowledge to form a belief as
4 to the truth of such allegations. Defendant Allen denies the remaining allegations.

5 56. Answering ¶ 56, to the extent that the allegations are conclusions of
6 law, Defendant Allen lacks sufficient information or knowledge to form a belief as
7 to the truth of such allegations. Defendant Allen denies the remaining allegations.

8 **FIFTH CLAIM FOR RELIEF**
9 **VIOLATION OF CIVIL RIGHTS (42 USC §1983) (FOURTH AMENDMENT**
10 **FOR UNLAWFUL MEDICAL PROCEDURES, INCLUDING**
11 **EXAMINATION) BY PLAINTIFF J.R. AGAINST DEFENDANTS ALLEN**
12 **and DOES 2 through 50**

13 57. Answering ¶ 57, Defendant Allen re-alleges, adopts and incorporates as
14 if set forth at length all paragraphs hereinabove.

15 58. Answering ¶ 58, to the extent that the allegations are conclusions of
16 law, Defendant Allen lacks sufficient information or knowledge to form a belief as
17 to the truth of such allegations. Defendant Allen denies the remaining allegations.

18 59. Answering ¶ 59, to the extent that the allegations are conclusions of
19 law, Defendant Allen lacks sufficient information or knowledge to form a belief as
20 to the truth of such allegations. Defendant Allen denies the remaining allegations.

21 60. Answering ¶ 60, to the extent that the allegations are conclusions of
22 law, Defendant Allen lacks sufficient information or knowledge to form a belief as
23 to the truth of such allegations. Defendant Allen denies the remaining allegations.

24 61. Answering ¶ 61, to the extent that the allegations are conclusions of
25 law, Defendant Allen lacks sufficient information or knowledge to form a belief as
26 to the truth of such allegations. Defendant Allen denies the remaining allegations.

27 62. Answering ¶ 62, to the extent that the allegations are conclusions of
28 law, Defendant Allen lacks sufficient information or knowledge to form a belief as

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1 to the truth of such allegations. Defendant Allen denies the remaining allegations.

2 **SIXTH CLAIM FOR RELIEF**

3 **VIOLATION OF CIVIL RIGHTS (42 USC §1983) (FOURTEENTH**
 4 **AMENDMENT AND FIRST AMENDMENT AS TO UNLAWFUL MEDICAL**
 5 **PROCEDURES, INCLUDING EXAMINATIONS) BY ALL PLAINTIFFS**
 6 **AGAINST DEFENDANTS ALLEN and DOES 2 through 50**

7 63. Answering ¶ 63, Defendant Allen re-alleges, adopts and incorporates as
 8 if set forth at length all paragraphs hereinabove.

9 64. Answering ¶ 64, to the extent that the allegations are conclusions of
 10 law, Defendant Allen lacks sufficient information or knowledge to form a belief as
 11 to the truth of such allegations. Defendant Allen denies the remaining allegations.

12 65. Answering ¶ 65, to the extent that the allegations are conclusions of
 13 law, Defendant Allen lacks sufficient information or knowledge to form a belief as
 14 to the truth of such allegations. Defendant Allen denies the remaining allegations.

15 66. Answering ¶ 66, to the extent that the allegations are conclusions of
 16 law, Defendant Allen lacks sufficient information or knowledge to form a belief as
 17 to the truth of such allegations. Defendant Allen denies the remaining allegations.

18 67. Answering ¶ 67, to the extent that the allegations are conclusions of
 19 law, Defendant Allen lacks sufficient information or knowledge to form a belief as
 20 to the truth of such allegations. Defendant Allen denies the remaining allegations.

21 68. Answering ¶ 68, to the extent that the allegations are conclusions of
 22 law, Defendant Allen lacks sufficient information or knowledge to form a belief as
 23 to the truth of such allegations. Defendant Allen denies the remaining allegations.

24 69. Answering ¶ 69, to the extent that the allegations are conclusions of
 25 law, Defendant Allen lacks sufficient information or knowledge to form a belief as
 26 to the truth of such allegations. Defendant Allen denies the remaining allegations.

27 70. Answering ¶ 70, to the extent that the allegations are conclusions of
 28 law, Defendant Allen lacks sufficient information or knowledge to form a belief as

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1 to the truth of such allegations. Defendant Allen denies the remaining allegations.

2 71. Answering ¶ 71, to the extent that the allegations are conclusions of
3 law, Defendant Allen lacks sufficient information or knowledge to form a belief as
4 to the truth of such allegations. Defendant Allen denies the remaining allegations.

5 72. Answering ¶ 72, to the extent that the allegations are conclusions of
6 law, Defendant Allen lacks sufficient information or knowledge to form a belief as
7 to the truth of such allegations. Defendant Allen denies the remaining allegations.

8 **SEVENTH CLAIM FOR RELIEF**

9 **MONELL RELATED CLAIMS By Plaintiffs Against Defendant COUNTY**

10 73. Answering ¶ 73, Defendant County re-alleges, adopts and incorporates
11 as if set forth at length all paragraphs hereinabove.

12 74. Answering ¶ 74, to the extent that the allegations are conclusions of
13 law, Defendant County lacks sufficient information or knowledge to form a belief as
14 to the truth of such allegations. Defendant County denies the remaining allegations.

15 75. Answering ¶ 75, to the extent that the allegations are conclusions of
16 law, Defendant County lacks sufficient information or knowledge to form a belief as
17 to the truth of such allegations. Defendant County denies the remaining allegations.

18 76. Answering ¶ 76, to the extent that the allegations are conclusions of
19 law, Defendant County lacks sufficient information or knowledge to form a belief as
20 to the truth of such allegations. Defendant County denies the remaining allegations.

21 77. Answering ¶ 77, to the extent that the allegations are conclusions of
22 law, Defendant County lacks sufficient information or knowledge to form a belief as
23 to the truth of such allegations. Defendant County denies the remaining allegations.

24 78. Answering ¶ 78, to the extent that the allegations are conclusions of
25 law, Defendant County lacks sufficient information or knowledge to form a belief as
26 to the truth of such allegations. Defendant County denies the remaining allegations.

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EIGHTH CLAIM FOR RELIEF

INJUNCTIVE RELIEF AGAINST ALL DEFENDANTS

79. Answering ¶ 79, Defendants re-allege, adopt and incorporate as if set forth at length all paragraphs hereinabove.

80. Answering ¶ 80, to the extent that the allegations are conclusions of law, Defendants lack sufficient information or knowledge to form a belief as to the truth of such allegations. Defendants deny the remaining allegations.

81. Answering ¶ 81, to the extent that the allegations are conclusions of law, Defendants lack sufficient information or knowledge to form a belief as to the truth of such allegations. Defendants deny the remaining allegations.

82. Answering ¶ 82, to the extent that the allegations are conclusions of law, Defendants lack sufficient information or knowledge to form a belief as to the truth of such allegations. Defendants deny the remaining allegations.

83. Answering ¶ 83, to the extent that the allegations are conclusions of law, Defendants lack sufficient information or knowledge to form a belief as to the truth of such allegations. Defendants deny the remaining allegations.

84. Answering ¶ 84, to the extent that the allegations are conclusions of law, Defendants lack sufficient information or knowledge to form a belief as to the truth of such allegations. Defendants deny the remaining allegations.

PRAYER

85. Plaintiffs' prayer for relief does not require a response, but to the extent a response is required, Defendants deny that Plaintiffs are entitled to judgment or to the relief sought.

RESIDUAL DENIAL

86. Defendants specifically deny each and every allegation of the FAC not otherwise expressly admitted or otherwise answered.

DEMAND FOR JURY TRIAL

87. Defendants hereby demand a jury trial.

AFFIRMATIVE DEFENSES

Defendants specifically deny all of the allegations contained in the First Amended Complaint not previously answered. For further and separate answer, Defendants allege as follows:

Affirmative Defense No. 1.

Plaintiffs' FAC fails to state a claim upon which relief can be granted against Defendants.

Affirmative Defense No. 2.

Plaintiffs fail to state any claim against Defendants County, Todmia, or Allen for conspiracy under 42 U.S.C § 1983.

Affirmative Defense No. 3.

Plaintiffs fail to state any claim against Defendants County, Todmia, or Allen for conspiracy under 42 U.S.C § 1985.

Affirmative Defense No. 4.

Plaintiffs fail to state any claim against Defendants County, Todmia, or Allen under the First Amendment to the U.S. Constitution.

Affirmative Defense No. 5.

Defendants Todmia and Allen are entitled to absolute immunity for any discretionary, quasi-prosecutorial decisions to institute proceedings in the juvenile court to detain J.R. from Plaintiffs Orlando Rouchon and Wytasha Justice that Plaintiffs allege resulted in violations of the First, Fourth, or Fourteenth Amendments under 42 U.S.C. §§ 1983, 1985.

Affirmative Defense No. 6.

Defendants Todmia and Allen are entitled to absolute immunity for prosecutorial-type functions performed during the dependency proceedings, after the juvenile court ordered J.R. to be detained, that may have resulted in any of the alleged violations of the First, Fourth, or Fourteenth Amendments under 42 U.S.C. §§ 1983, 1985.

1 Affirmative Defense No. 7.

2 Defendants Todmia and Allen are entitled to absolute judicial and testimonial
3 immunity for any of the alleged violations of the First, Fourth, or Fourteenth
4 Amendments under 42 U.S.C. §§ 1983, 1985.

5 Affirmative Defense No. 8.

6 Based on information and belief, Defendants allege that, to the extent that the
7 injuries alleged herein, if any, resulted from acts and/or omissions of employees,
8 servants or agents of Defendant County of Los Angeles, those individuals are
9 immune from liability under 42 U.S.C. §§ 1983 and 1985 for those acts and/or
10 omissions performed in their official capacity, and not in their personal capacity,
11 and in acting as state officials, they are immune from suit under the Eleventh
12 Amendment to the United States Constitution. *McMillian v. Monroe County*, 520
13 U.S. 781 (1997); *County of Los Angeles v. Superior Court (Peters)*, 68 Cal. App. 4th
14 1166 (1998); *Brandt v. Board of Superior*, 84 Cal. App. 3d 598 (1978).

15 Affirmative Defense No. 9.

16 Defendants Todmia and Allen are entitled to qualified immunity on the
17 grounds that no violation of any constitutionally-protected interests under the First
18 Amendment occurred.

19 Affirmative Defense No. 10.

20 Defendants Todmia and Allen are entitled to qualified immunity on the
21 grounds that no violation of any constitutionally-protected interests under the Fourth
22 Amendment occurred.

23 Affirmative Defense No. 11.

24 Defendants Todmia and Allen are entitled to qualified immunity on the
25 grounds that no violation of any constitutionally-protected interests under the
26 Fourteenth Amendment occurred.

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1 Affirmative Defense No. 12.

2 Defendants Todmia is entitled to qualified immunity on the grounds that the
3 applicable law did not clearly establish that her conduct in allegedly causing
4 Plaintiff J.R. to be detained, seized, questioned, and interviewed in a school was
5 unlawful under the First, Fourth, or Fourteenth Amendments.

6 Affirmative Defense No. 13.

7 Defendant Todmia is entitled to qualified immunity on the grounds that a
8 reasonable official would have believed that her conduct in allegedly causing
9 Plaintiff J.R. to be detained, seized, questioned, and interviewed in a school was
10 lawful under the circumstances she (Todmia) faced.

11 Affirmative Defense No. 14.

12 Defendant Allen is entitled to qualified immunity on the grounds that the
13 applicable law did not clearly establish that her conduct in allegedly causing
14 Plaintiff J.R. to be detained, questioned, and forensically interviewed was unlawful
15 under the First, Fourth, or Fourteenth Amendments.

16 Affirmative Defense No. 15.

17 Defendant Allen is entitled to qualified immunity on the grounds that a
18 reasonable official would have believed that her conduct in allegedly causing
19 Plaintiff J.R. to be detained, questioned, and forensically interviewed was lawful
20 under the circumstances she (Allen) faced.

21 Affirmative Defense No. 16.

22 Defendant Allen is entitled to qualified immunity on the grounds that the
23 applicable law did not clearly establish that her conduct in allegedly causing
24 Plaintiff J.R. to be subjected to medical procedures, including a medical
25 examination, was unlawful under the First, Fourth, or Fourteenth Amendments.

26 Affirmative Defense No. 17.

27 Defendant Allen is entitled to qualified immunity on the grounds that a
28 reasonable official would have believed that her conduct in allegedly causing

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1 Plaintiff J.R. to be subjected to medical procedures, including a medical
 2 examination was lawful under the circumstances she (Allen) faced.

3 Affirmative Defense No. 18.

4 The eighth claim for relief, captioned as “injunctive relief,” fails to state a
 5 claim because it is a remedy, not a claim for relief.

6 Affirmative Defense No. 19.

7 Defendants’ actions were reasonable, proper, authorized, and lawful under
 8 California Welfare and Institutions Code sections 300, 305, 307, and 309.

9 Affirmative Defense No. 20.

10 Defendants allege, without admitting liability or the truth of Plaintiffs’
 11 allegations, that Defendants had authority to take custody of Plaintiff J.R., pursuant
 12 to California Welfare and Institutions Code sections 305 and 306, and that the
 13 actions of these answering Defendants were reasonable, proper, authorized and
 14 lawful.

15 Affirmative Defense No. 21.

16 Without admitting liability, Defendants allege that the County of Los
 17 Angeles, a public entity, is not liable for an injury caused by misrepresentation by an
 18 employee of the public entity, whether negligent or intentional.

19 Affirmative Defense No. 22.

20 Without admitting liability, Defendants allege that the County of Los
 21 Angeles, a public entity, is not liable for the act or injury of an employee when the
 22 employee is immune from liability.

23 Affirmative Defense No. 23.

24 Defendants are informed and believe, and on such bases allege, that the
 25 claims in the FAC are barred by the applicable statute of limitations.

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1 Affirmative Defense No. 24.

2 Defendants' actions were with consent of Plaintiffs.

3 Plaintiffs' claims are barred by the doctrine of unclean hands.

4 Affirmative Defense No. 25.

5 Plaintiffs' claims against Defendants are barred by the doctrine of waiver.

6 Affirmative Defense No. 26.

7 Defendants' conduct was reasonably necessary to avert injury to J.R.

8 Affirmative Defense No. 27.

9 Defendants allege, without admitting liability or the truth of Plaintiffs'
10 allegations, that Defendants' conduct is protected by the defense of others privilege.

11 Affirmative Defense No. 28.

12 Plaintiffs' claims are barred by the Rooker-Feldman doctrine.

13 Affirmative Defense No. 29.

14 Plaintiffs' claims are barred by the doctrine of issue preclusion and/or
15 collateral estoppel.

16 Affirmative Defense No. 30.

17 Plaintiffs' claims are barred by the doctrine of claim preclusion and/or res
18 judicata.

19 Affirmative Defense No. 31.

20 The damages sustained by Plaintiffs, if any, were legally caused by and
21 contributed to by the Plaintiffs' own acts, omissions, negligence, and failure to take
22 reasonable and necessary actions to eliminate, mitigate, lessen, reduce and minimize
23 those damages, barring or reducing Plaintiffs' recovery.

24 Affirmative Defense No. 32.

25 Plaintiffs knowingly and voluntarily assumed the risk of the conduct, events,
26 and matter alleged in the FAC, and any injuries or damages sustained by Plaintiffs
27 were the sole, exclusive, and legal result of those risks, barring or reducing
28 Plaintiffs' recovery.

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Affirmative Defense No. 33.

The damages sustained by Plaintiffs, if any, were proximately caused by the acts, omissions, negligence, fraud, and breach of obligations by persons or entities other than the Defendants, and they request that an allocation of such liability be made among those other persons or entities, and that if any liability is found on the part of Defendants, judgment against them be limited to the amount that is proportionate to the extent that their omissions contributed to Plaintiffs' injuries.

Affirmative Defense No. 34.

Plaintiffs are not entitled to recover punitive damages from Defendants in that the criterion for punitive damages is vague and uncertain and violates Defendants' substantive and due process rights under the U.S. Constitution and the California Constitution.

Affirmative Defense No. 35.

Plaintiff is not entitled to recover punitive damages against the Social Worker Defendants, as no facts are pled which indicate that punitive damages are recoverable under Federal Law or California Civil Code section 3294. Further, Defendants allege that Plaintiffs' FAC fails to meet a clear and convincing burden of proof to justify an award of punitive and/or exemplary damages, as required by California Civil Code section 3294, and applicable Federal Law and decisional authority.

Affirmative Defense No. 36.

The imposition of punitive damages constitutes an impermissible restriction on speech and a violation of the First Amendment of the United States Constitution.

DATED: March 21, 2019

PETERSON · BRADFORD · BURKWITZ

By: /s/ Ryan A. Graham

Avi Burkwitz, Esq.

Ryan A. Graham, Esq.

Attorneys for Defendants,

COUNTY OF LOS ANGELES, *et al.*

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 100 North First Street, Suite 300, Burbank, California 91502.

On March 21, 2019, I served the foregoing document described as:

**DEFENDANTS' ANSWER TO
PLAINTIFFS' FIRST AMENDED COMPLAINT (ECF No. 14)**

on interested parties in this action by placing a true and correct copy thereof enclosed in a sealed envelope addressed as follows:

SEE ATTACHED MAILING LIST

- ☒ **BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed document(s) with the Clerk of the Court by using the CM/ECF system. Participants in this case who are registered CM/ECF users will be served by the CM/ECF system. Participants in this case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.
- ☐ **BY FACSIMILE:** I served by facsimile a true copy of the above-described document. I am "readily familiar" with this firm's practice of processing correspondence by fax. Under that practice documents are placed in our fax machine and are processed and received simultaneously at their destination. The above-referenced document(s) was placed in the fax machine with all costs of faxing prepaid, directed to each party (using their fax number), listed on the attached Service List. Once the document has been transmitted, the fax machine provides a report indicating time of completion.
- ☐ **BY OVERNIGHT EXPRESS MAIL:** As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence by Overnight Express mailing. Under that practice it was deposited with the Overnight Express service on that same day with proper postage thereon fully prepaid at Burbank, California in the ordinary course of business.
- ☐ **BY PERSONAL SERVICE:** I delivered such envelope by hand to the addressee.
- ☒ **FEDERAL:** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on March 21, 2019, at Burbank, California.

/s/ Lilliana Rosales

Lilliana Rosales

SERVICE LIST

RE: Rouchon, Orlando et al v. County of Los Angeles et al

Case 2:18-CV-10029-VAP-MAA
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